

REMARKS

Claims 1-9, and 14-15 are pending in the application.

Claim Objections

The Examiner has objected to claim 6 because of an informality, and to claims 7-9 because they depend from claim 6.

Applicant has responded to the objection by amending claim 6 to provide proper antecedent basis for "a packet server" appearing on line 2 of claim 6.

Rejection Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-9 and 14-15 under 35 U.S.C. §103(a) as being unpatentable over Patent Number 6,683,853 B1 issued to Kannas et al. on January 27, 2004 in view of various references.

Rejection Under Kannas and Puuskari

The Examiner has rejected claims 1-9 and 15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,683,853 B1 issued to Kannas et al. on January 27, 2004 in view of U.S. Patent Number 6,728,208 B1 issued to Puuskari on April 27, 2004.

Applicant respectfully traverses this ground of rejection.

First, applicant's claim 1 requires a service negotiation that includes a request for preferred ones of traffic classes in a priority order.

The Office Action admits that Kannas does not teach this limitation. Moreover, applicant asserts that, contrary to the Office Action's suggestion to the contrary, Puuskari does not teach this limitation either.

In that regard, applicants note that Puuskari discloses that the quality of service information (QoS) associated with each data packet includes at least a priority information and a traffic type information. Puuskari discloses that real-time and non-real-time traffic are examples of two traffic types. However, traffic type information, e.g., real-time and non-real-time traffic, are not preferred ones of traffic classes as required by applicant's claim 1.

Specifically, applicant's claim 1 requires traffic class preferences such that a second traffic class can be an alternative for a first traffic class if resources are unavailable for granting the first traffic class. By contrast, Puuskari's traffic type information indicates requirements for the transmission of the data packet, as stated in column 10, lines 33-35. Real-time and non-real-time are non-interchangeable transmission requirements for traffic, rather than alternative traffic class preferences, e.g., conversational, streaming, interactive, or background. This is because real-time traffic cannot tolerate the same degree of delay as non-real-time traffic. For example, QoS will not be maintained in a network if real-time voice traffic was not transmitted in real-time. Thus, the combination of Kannas with Puuskari lacks the preferred ones of traffic classes required by applicant's claim 1.

Thus, the combination of Kannas with Puuskari does not teach or suggest all of the limitations in applicant's claim 1, and therefore claim 1 is not obvious in view thereof.

Since claims 2-5 depend from claim 1, these dependent claims are also allowable over the proposed combination.

Independent claims 6 and 15 have a limitation similar to that of independent claim 1. For example, claims 6 and 15 recite, "a quality of service class field that is indicative of a request for preferred ones of traffic classes ... ". The proposed combination of Kannas and Puuskari does not teach this limitation for the reasons explained hereinabove, and, thus, claims 6 and 15 are allowable. Since claims 7-9 depend from claim 6, these dependent claims are also allowable.

Rejection Under Kannas, Puuskari and Malmlof

The Examiner has rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Kannas in view of Puuskari and further in view of U.S. Patent Number 6,594,241 B1 issued to Malmlof on July 15, 2003.

Independent claim 14 has a limitation similar to that of independent claim 1 which, as noted above, is not taught by Kannas and Puuskari, and so this claim

is, therefore, likewise allowable. More specifically, claim 14 recites, "a message comprising a quality of service information element comprising at least one traffic class field for conveying requests for preferred ones of traffic classes in a priority order ...". The Office Action does not cite Malmlof as supplying this element and applicant agrees that Malmlof does not teach this element. Therefore, the combination of Kannas, Puuskari and Malmlof does not teach or suggest all of the limitations in applicant's claim 14, and, therefore, this claim is allowable over the proposed combination.

New Claims

New claims 16 and 17 have been added. Claims 16-17 include the limitation, "preferred ones of traffic classes in a priority order", and are submitted to be patentable for the reasons stated hereinabove. No new matter has been added.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicants' attorney so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the **Lucent Technologies Deposit Account No. 12-2325.**

Respectfully submitted,

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Date: APRIL 14, 2005

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Mail Stop RCE
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 15, 2005

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Date 4/15/05